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Approved For Release 2004/10/12 : CIA-RDP78M02660R000300010015-9

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Assistant Legislative Counsel
6C19 Hq. BX 3

EXTENSION

NO.

OLC 76-0807

DATE

26 March 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Attached is the original letter from Rep. Abzug with attached letter to Attorney General Levi for your routine reply. Please furnish us a copy.

Note that Rep. Abzug has requested a response from Levi in 20 working days.

cc [] OGC

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FORM 3-62

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USE PREVIOUS EDITIONS

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BELLA S. ABZUG, N.Y., CHAIRWOMAN
LEO J. RYCA, CALIF.
JOHN CONYERS, JR., MICH.
ROBERT H. MACDONALD, MASS.
JOHN E. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
ANDREW MAGUIRE, N.J.
ANTHONY MOFFETT, CONN.

SAM STEIGER, ARIZ.
LAWRENCE J. BROWN, OHIO
PAUL N. MCCLOSKEY, JR., CALIF.
225-3741

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NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515

OLC 76-0807

March 23, 1976

Mr. Gene F. Wilson
Freedom of Information Coordinator
CIA Information Review Committee
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Wilson: Attn: Freedom of Information Appeal

This is to appeal your decision to deny my Freedom of Information Act request for drafts of the report of the House Select Committee on Intelligence in the possession of your agency.

I am attaching a copy of my letter to the Attorney General outlining my reasons for appeal.

Sincerely,

Bella S. Abzug
BELLA S. ABZUG

Attachment

BELLA S. ABZUG, N.Y., CHAIRWOMAN
LEO J. RYAN, CALIF.
JOHN CONYERS, JR., MICH.
TORRENT H. MACDONALD, MASS.
JOHN E. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
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OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C

WASHINGTON, D.C. 20515

March 17, 1976

Honorable Edward H. Levi
Attorney General of the United States
U.S. Department of Justice
Constitution Avenue bet 9th & 10th Streets
Washington, D.C. 20530

Dear Mr. Attorney General: Attn: Freedom of Information Appeal

This is an appeal from the decision of the Deputy Attorney General denying my request for the drafts of the report of the House Select Committee on Intelligence in the possession of the Department of Justice. Mr. Tyler's letter to me is dated February 19, 1976.

Mr. Tyler bases his refusal on the ground that the documents in question "are the records of" or "belong to" the Congress and that such documents do not lose that status when a transfer of custody is effected. I would respectfully suggest that a close reading of the documents in question might reveal that the bulk of the material cited, originated in the Executive branch and were merely on loan to the Congress for the purpose of conducting this investigation. In fact, when the House Select Committee terminated its operations, all documents received from the Executive were returned to the Central Intelligence Agency for distribution to the appropriate originating Executive agency. It should be possible to segregate identifiable Executive agency documents and information in the Committee's Report and supply this under my Freedom of Information request. In any event, I would appreciate knowing if the draft of the Select Committee report in the possession of the Department of Justice contains such Executive agency records or portions thereof which would be releasable under the Freedom of Information Act.

With respect to possible exemptions pursuant to 5 U.S.C. 552 (b) (1) and (b) (3), we would, of course, expect release of such "reasonably

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